

MESSAGE NO: 6071305 MESSAGE DATE: 03/11/2016

MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: LIQ-Liquidation PUBLIC ☒ NON-PUBLIC ☐
SUB-TYPE: ALIWE-Auto Liq Exception

FR CITE: 81 FR 6832 FR CITE DATE: 02/09/2016

REFERENCE
MESSAGE #
(s):

CASE #(s): A-570-979

EFFECTIVE DATE: 02/09/2016 COURT CASE #:

PERIOD OF REVIEW: 12/01/2014 TO 11/30/2015

PERIOD COVERED: TO

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: ALIs for modules/laminates/panels produced in third countries (multiple case numbers) from solar cells produced in the PRC (A-570-979) for the period 12/01/2014 through 11/30/2015

1. Commerce does not automatically conduct administrative reviews of antidumping duty orders. Instead, reviews must be requested pursuant to section 751(a)(1) of the Tariff Act of 1930, as amended, and in accordance with 19 CFR 351.213.

2. As discussed in paragraphs 2 and 3 of Message No. 2158303, dated 06/06/2012, Commerce considers modules, laminates, and panels produced in a third country from subject crystalline silicon photovoltaic cells (solar cells) produced in the People's Republic of China (PRC) to be covered by the scope of the antidumping duty order on crystalline silicon photovoltaic cells, whether or not assembled into modules, from the PRC (A-570-979) (AD Order). However, modules, laminates, and panels produced in the PRC from solar cells produced in a third country are not covered by the scope of the AD Order. Since importers may import modules, laminates, or panels produced in a third country from subject solar cells produced in the PRC and this merchandise may have a non-Chinese country of origin for Customs purposes, third-country case numbers have been established to allow such merchandise to be properly claimed as subject merchandise upon entry.

3. Commerce has not received a request for an administrative review of the above-referenced antidumping duty order on the PRC with respect to third-country firms or PRC firms related to third-country company-specific case numbers for the period and on the merchandise identified below except for the firms listed in paragraph 4. Therefore, in accordance with 19 CFR 351.212(c), you are to liquidate all entries of modules, laminates, or panels that were produced in a third country from subject solar cells produced in the PRC, entered, or withdrawn from warehouse, for consumption during the period 12/01/2014 through 11/30/2015 for all third-country case numbers related to case A-570-979 except those listed in paragraph 4 and assess antidumping duties on merchandise entered, or withdrawn from warehouse, for consumption at the cash deposit or bonding rate in effect on the date of entry.

Liquidate all entries for the following third-country case numbers except as noted in paragraph 4 below:

Country: Argentina

Case number: A-357-988

Country: Australia

Case Number: A-602-988

Country: Austria

Case Number: A-433-988

Country: Belgium

Case Number: A-423-988

Country: Canada

Case Numbers: A-122-988 (Liquidate all entries under this case number except those noted in paragraph 4 below)

Country: Croatia

Case Number: A-479-988

Country: Czech Republic:

Case Number: A-435-988

Country: Denmark

Case Number: A-409-988

Country: France

Case Number: A-427-988

Country: Germany

Case Number: A-428-988

Country: Hong Kong

Case Number: A-582-988

Country: Hungary

Case Number: A-437-988

Country: India

Case Number: A-533-988

Country: Israel

Case Number: A-508-988

Country: Italy

Case Number: A-475-988

Country: Japan

Case Number: A-588-988

Country: Republic of Korea

Case Number: A-580-988

Country: Malaysia

Case Number: A-557-988 (Liquidate all entries under this case number except those noted in paragraph 4 below)

Country: Mexico

Case Number: A-201-988

Country: Netherlands

Case Number: A-421-988

Country: New Zealand

Case Number: A-614-988

Country: Norway

Case Number: A-403-988

Country: Philippines

Case Number: A-565-988

Country: Poland

Case Number: A-455-988

Country: Portugal

Case Number: A-471-988

Country: Russia

Case Number: A-462-988

Country: Singapore

Case Number: A-559-988

Country: Spain

Case Number: A-470-988

Country: Sweden

Case Number: A-401-988

Country: Switzerland

Case Number: A-441-988

Country: Taiwan

Case Number: A-583-988

Country: Thailand

Case Number: A-549-988

Country: Turkey

Case Number: A-489-988

Country: United Kingdom

Case Number: A-412-988

Country: Socialist Republic of Vietnam

Case Number: A-552-988

4. Entries of merchandise covered by the case numbers listed below should not be liquidated until specific instructions are issued. Continue to suspend liquidation of all entries of merchandise exported by the listed firms entered, or withdrawn from warehouse, for consumption during the period 12/01/2014 through 11/30/2015.

Country: Canada

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PRC solar cell exporter: JA Solar Technology Yangzhou Co., Ltd.

Case number: A-122-988-004

Such entries may have also entered under case number A-122-988-000.

Country: Malaysia

PRC solar cell exporter: Yingli Energy (China) Company Limited/Baoding Tianwei Yingli New Energy Resources Co., Ltd./Tianjin Yingli New Energy Resources Co., Ltd./Hengshui Yingli New Energy Resources Co., Ltd./Lixian Yingli New Energy Resources Co., Ltd./Baoding Jiasheng Photovoltaic Technology Co., Ltd./Beijing Tianneng Yingli New Energy Resources Co., Ltd./Hainan Yingli New Energy Resources Co., Ltd./Shenzhen Yingli New Energy Resources Co., Ltd.

Case number: A-557-988-001 Such entries may have also entered under case number A-557-988-000.

4. There are no injunctions applicable to the entries covered by this instruction.

5. Notice of the lifting of suspension of liquidation of entries of subject merchandise covered by paragraph 3 occurred with the publication of the notice of initiation of administrative review for the 12/2015 anniversary month (81 FR 6832, 2/9/2016). Unless instructed otherwise, for all other shipments of modules, laminates, or panels that were produced in a third country from subject solar cells produced in the PRC you shall continue to collect cash deposits of estimated antidumping duties for the merchandise at the current rates.

6. The assessment of antidumping duties by CBP on shipments or entries of this merchandise is subject to the provisions of section 778 of the Tariff Act of 1930, as amended. Section 778 requires that CBP pay interest on overpayments or assess interest on underpayments of the required amounts deposited as estimated antidumping duties. The interest provisions are not applicable to cash or bonds posted as estimated antidumping duties before the date of publication of the antidumping duty order. Interest shall be calculated from the date payment of estimated antidumping duties is required through the date of liquidation. The rate at which such interest is payable is the rate in effect under section 6621 of the Internal Revenue Code of 1954 for such period.

7. Upon assessment of antidumping duties, CBP shall require that the importer provide a reimbursement statement, as described in section 351.402(f)(2) of Commerce's regulations. The importer should provide the reimbursement statement prior to liquidation of the entry. If the

importer certifies that it has an agreement with the producer, seller, or exporter, to be reimbursed antidumping and/or countervailing duties, CBP shall double the antidumping duties and/or increase the antidumping duty by the amount of the countervailing duties in accordance with the above-referenced regulation. Additionally, if the importer does not provide the reimbursement statement prior to liquidation, reimbursement shall be presumed and CBP shall double the antidumping duties due. If an importer timely files a protest challenging the presumption of reimbursement and doubling of duties, consistent with CBP's protest process, CBP may accept the reimbursement statement filed with the protest to rebut the presumption of reimbursement.

8. If there are any questions by the importing public regarding this message, please contact the Call Center for the Office of AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce at (202) 482-0984. CBP ports should submit their inquiries through authorized CBP channels only. (This message was generated by O4:JDP.)

9. There are no restrictions on the release of this information.

Alexander Amdur

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party